

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 434-977-4090

201 WEST MAIN STREET, SUITE 14
CHARLOTTESVILLE, VA 22902-5065

Facsimile 434-977-1483

December 16, 2013

D. JaSal Morris, Forest Supervisor
Cherokee National Forest
ATTN: Appeals
2800 N. Ocoee Street
Cleveland, Tennessee 37312
appeals-southern-cherokee@fs.fed.us
jmorris@fs.fed.us

BY E-MAIL AND U.S. MAIL

Re: Resolution of Appeal of the Middle Citico Vegetation Management Project, Tellico
Ranger District, Cherokee National Forest.

Dear Mr. Morris:

We are pleased to inform you that, following an informal disposition meeting and subsequent discussions with Tellico District Ranger Katherine Foster, we have completely resolved the appeal of the Middle Citico Vegetation Management Project filed by Cherokee Forest Voices, The Wilderness Society, and Wild South, as documented in the attached Informal Disposition Resolution.

We want to recognize and express our appreciation for the time invested in these discussions and deliberations by all the Forest Service staff involved, particularly the District Ranger as she led this process. We believe that this resolution benefits the soil and water quality, threatened and endangered fish, and special character of the unique Citico Creek watershed, and that it continues the District's movement towards an increased level of information and communication that will be productive for all parties involved. We especially want to emphasize the significance of the Forest's commitment to conduct further pebble count surveys to monitor the quality of the aquatic habitat in the creek.

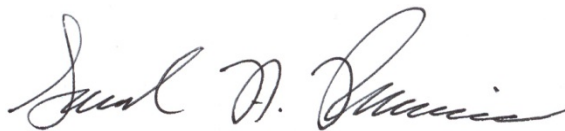
Finally, we appreciate the steps taken to limit logging and road improvements in the Salt Spring Mountain and Cowcamp Ridge areas, which are important to the Appellants. We enthusiastically welcome and appreciate your and the Deputy Supervisor's willingness to meet with us to discuss more broadly the issues associated with the management of the Tennessee Mountain Treasure areas, including areas that we believe are uninventoried roadless areas in the Forest. We hope that some or all of the District Rangers and relevant staff from the Supervisor's Office will be able to participate, as these issues relate to all districts and several staffing areas, such as natural resources, recreation, and engineering/roads. We hope this discussion will lead to greater understanding of all participants' perspectives and interests regarding these areas and

will start us on a path towards identifying some common ground and reducing conflicts regarding their management. We will contact you shortly after the New Year to set up this meeting.

By this letter, pursuant to 36 C.F.R. § 215.17(d)(1) and to the terms of the attached Informal Disposition Resolution agreement, the Appellants Cherokee Forest Voices, The Wilderness Society, and Wild South hereby withdraw, in entirety, their administrative appeal of the Middle Citico Vegetation Management Project on the Tellico Ranger District.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah A. Francisco".

Sarah A. Francisco
Senior Attorney
National Forests and Parks Program Leader

A handwritten signature in cursive script, appearing to read "Sam Evans".

Sam Evans
Associate Attorney

Enclosure

cc: Leslie Auriemmo, Deputy Forest Supervisor; Katherine Foster, Tellico District Ranger;
Michael Wright, Ocoee District Ranger

**Informal Disposition Resolution of Appeal
by Cherokee Forest Voices, The Wilderness Society, and Wild South
of the Middle Citico Vegetation Management Project (2013),
Tellico Ranger District, Cherokee National Forest**

The Forest Service and the Appellants (Cherokee Forest Voices, The Wilderness Society, and Wild South, represented by the Southern Environmental Law Center) have agreed upon the following resolution of the Appellants' administrative appeal of the Middle Citico Vegetation Management Project:

In response to the Appellants' request for relief, the Forest Service agrees:

1. To modify the plans for BMP implementation and effectiveness monitoring outlined in the Decision Notice on p.10, to monitor one ground disturbing activity per year using the National BMP protocols during the entire implementation period. In any year, the one ground disturbing activity to be monitored could be either timber harvest, or woodland creation using commercial harvest, or road activities. This addresses Appellants' request for relief #4.
2. To make public the annual reporting required as part of FWS's Biological Opinion on this project. This addresses Appellants' request for relief #7.
3. To provide harvest inspection and sale administration notes, reports, etc. and BMP monitoring results, reports, etc. on request by SELC (without need for a FOIA request). This addresses Appellants' request for relief #7.
4. To notify SELC and other stakeholders when sale layout will begin so that stakeholders can observe layout and marking with Forest Service staff before the sale is advertised for bid. While the Forest Service agrees that notice and a reasonable opportunity to visit the area in question will be given as far in advance as possible, stakeholder participation will not delay the workflow from layout to contracting. This addresses Appellants' request for relief #6.
5. To notify Appellants and other stakeholders when cutting units are open for harvest, i.e. purchaser has paid and logging may commence. This addresses Appellants' request for relief #6.
6. To use particle size distribution via pebble counts as means to monitor conditions in Citico Creek. The Forest Service will develop a monitoring plan to include objectives, protocols, locations (including locations downstream of the Middle Citico project's activity areas), and timing of data collection by May 1, 2014. The plan and the information and results of the monitoring will be available to all stakeholders. This addresses Appellants' request for relief #5 as modified through subsequent negotiations.
7. That woodland commercial opportunities will be limited as displayed in the attached map to those stands in the Gold Cabin Branch and Footes Creek areas (Decision Notice, p. 5). To forgo commercial opportunities in the woodland units in the Bivens Branch area

(Decision Notice, pp. 5-6). This addresses Appellants' request for relief #1 and #2 as modified through subsequent negotiations. See attached map.

8. For this project, and unless and until a change is made in a future project, the road identified as NFSR 2659A in the Decision Notice on p. 8 will be managed as a temporary road. It will be closed, stabilized and seeded with wildlife preferred species following completion of the project. This addresses Appellants' request for relief #1 as modified through subsequent negotiations.
9. For this project, and unless and until a change is made in a future project, no additional road improvement will be needed to access the woodland units adjacent to the Gold Cabin Branch Road, NFSR 2604, beyond those in the Decision Notice on p. 7 and the associated map. However, maintenance typical of that periodically done for the currently assigned maintenance level may be done to support the project work. This addresses Appellants' request for relief #1 as modified through subsequent negotiations
10. To participate in a meeting to discuss issues associated with Mountain Treasure areas and proposed management activities in those areas. Meeting participants would include: representatives of the appellants Cherokee Forest Voices, The Wilderness Society, and Wild South, as well as SELC, and the Western North Carolina Alliance; and from the Forest Service, the Forest Supervisor, the Deputy Forest Supervisor, all the District Rangers if schedules permit, and Forest Staff Officers if schedules permit.

In return, the Appellants will withdraw their appeal pursuant to 36 CFR 215, in entirety, by letter to the Appeal Deciding Officer on or before December 16.

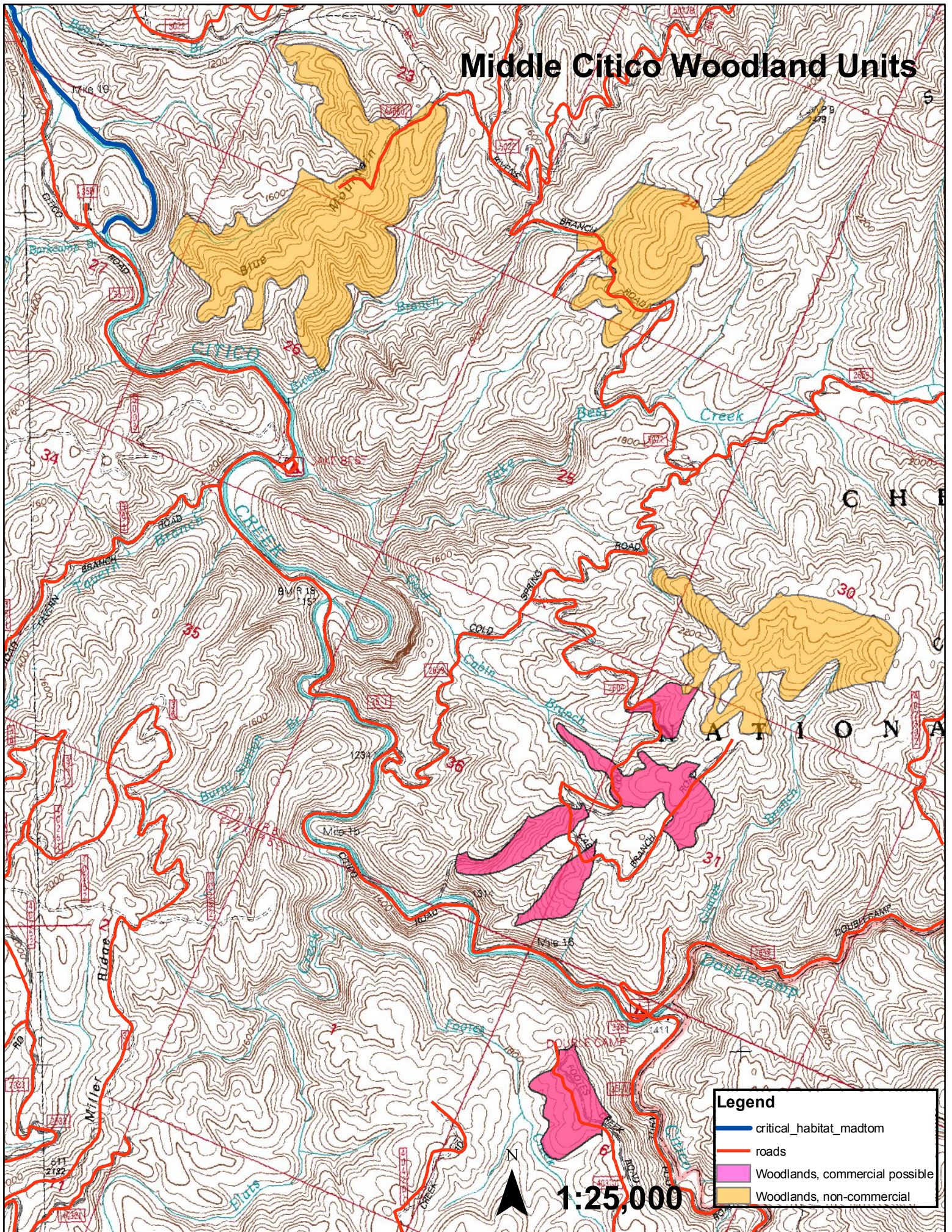
 Date 12/16/13

Sarah A. Francisco
Southern Environmental Law Center
Counsel for Appellants

 Date 12/16/13

Title District Ranger
U.S. Forest Service

Middle Citico Woodland Units



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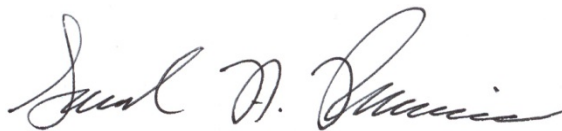
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Sarah A. Francisco
Southern Environmental Law Center
Counsel for Appellants

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Middle Citico Woodland Units

